

July 27, 2020

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**REFERENCE: 2nd FOLLOW UP RESPONSE TO PRIVATE EMINENT DOMAIN - RIGHT TO ACCESS
Acquisition of a Private Company, Piedmont Walk HOA to Our Property at 58 Yosemite
Ave., Oakland, CA**

Oakland City Council Members,

During the July 21, 2020 Oakland City Council (the "Council") Hearing, Christopher Lewis, the Piedmont Walk HOA (the "Association") lawyer made claims that do not provide any supporting documents, and at one time conflicted with the proposed construction plan that their contractor submitted. The proposed plan is vague, it does not provide sufficient details of the use and access of the parking lot and other areas of the property.

The City Council continued the hearing to July 28, 2020, in order for both the Association and the Payumos to resolve this matter. We acted quickly to arrange with the Association's attorney to arrange for contractors of the Payumos' choosing to inspect the interior of the Association's building and exterior in order to give us estimates to do the repair work both ways. Please note that, though we have been asking the Association's lawyer for weeks for this access, he just gave us the go ahead last Friday afternoon (July 24th), which gave us very little time to schedule with contractors who specialize in this type of work, and meet us at the job site. We were only able to get two contractors to agree to come before the hearing, but the soonest they can make is today. Also, there are **five condominiums** on the interior of the walls to be repaired, and only one of the owners is allowing our contractors to go into their unit. It is standard practice to get several estimates from different contractors for any construction projects or repairs, especially for a major job like this, because the **contractors' methods and prices can vary considerably.**

We have acted with great diligence and in good faith with the Association to come to a resolution, as you suggested, but the Association is clearly dragging their feet, and have been difficult at every turn. Though the two contractors said they will come today, it is very unlikely that they will have their estimates prepared and send to us before the July 28 Hearing. Also, the contractors may be unwilling to provide estimates because they are only permitted to access one of the condos, and they really need to see all the interior walls of all five condos, but the other owners in the Association will not allow this. We understand there's one condo that we definitely do not need to enter. Note, also that though we have been requesting for estimates from their contractors for months, the Association's lawyer has refused to

respond to our requests. HOW CAN THE ASSOCIATION BRING THIS ITEM WITH THE CITY COUNCIL CLAIMING THAT IT WILL COST MORE TO DO IT INSIDE THE BUILDING IF THEY CANNOT PROVIDE ANY ESTIMATES TO SUPPORT THAT? HOW CAN THE CITY COUNCIL EVEN ENTERTAIN TO BRING IT TO THE HEARING WITHOUT THE ESTIMATES?

I also would like to make changes to the Payumos Rebuttal to the Piedmont Walk's Proposed Resolution the proposed Resolution that the Association's lawyer submitted to the Council, including the section in the Association's proposed resolution as shown below and as described in "Payumo Exhibit E (Revision 1)". This revised Exhibit will replace "Payumo Exhibit E" that was submitted on July 20, 2020 Oakland City Council Hearing.

FURTHER RESOLVED, That City Council finds that the requirements set forth in California Civil Code Section 1002(a) and Code of Civil Procedure Sections 1245.326 et seq. have been met and hereby adopts this Resolution of Necessity for the property interest and purposes set forth herein; and be it Payumo Response: The Payumos do not agree that the Association has met these codes. The Association has failed to provide necessary evidence to prove this.

Attached is "Payumo Exhibit L" which contains the presentation by the Payumos During the July 28,2020 Oakland City Council Hearing. The presentation will provide the Payumos response on the laws brought in by the Association and the estimates of the cost that the Payumos may incur if the City Council approves the proposed resolution by the Association.

We ask that the City Council vote against the Association's egregious proposed resolution. We feel that forcing this private eminent domain onto owners of private property will set a dangerous and unjust precedent with far reaching consequences in the Bay Area and California.

Thank you for your consideration and understanding.

Bethoven "Jimmy" and Dina Payumo

415-810-3162